

SENATE BILL 3554

By Finney L

AN ACT to amend Tennessee Code Annotated, Title 63,
relative to the Art Therapy Certification Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, is amended by adding Sections 2 through 12 of this act as a new chapter thereto.

SECTION 2. This chapter shall be known and may be cited as "The Art Therapy Certification Act".

SECTION 3(a). The general assembly recognizes that art therapy is a profession that affects the public welfare and that trained art therapists are more likely to achieve positive treatment outcomes than practitioners without such training who attempt to use art in the diagnosis and treatment of patients. The legislature further recognizes that the American Art Therapy Association provides standards for education and professional competence in art therapy and that an art therapist who is registered with the Art Therapy Credentials Board and licensed as a professional counselor in the state of Tennessee is qualified to use art therapy in treatment.

(b) It is the purpose of this chapter to protect the public and improve mental health outcomes by prohibiting unqualified practitioners from advertising themselves or otherwise holding themselves out to be art therapists.

SECTION 4. Definitions as used in this chapter, unless the context otherwise requires:

(1) "Art therapist" means an individual who provides mental health services and is registered as an art therapist by the Art Therapy Credentials Board and certified by the state of Tennessee; and

(2) "Board" means the entity established by the state of Tennessee to regulate the practice of mental health counseling.

SECTION 5. Certification.

- (a) The board is responsible for the certification of art therapists.
- (b) The board shall develop and promulgate an application process consistent with the provisions of this chapter.
- (c) The board shall review and approve or reject all applications for certification submitted to it within ninety (90) days of receipt of the application.
- (d) When the board intends to deny an application for certification, it shall send the applicant written notice of its decision by certified mail. The notice shall include a statement of the reasons for the action. Within thirty (30) days of the date that an applicant receives such notice, the applicant may file a petition with the board for review of its preliminary decision. At the hearing, the burden shall be on the applicant to show that certification should be granted. After the hearing, the board shall affirm or reverse its preliminary denial.

SECTION 6. To be eligible for certification as an art therapist, an applicant shall:

- (a) Submit proof of passage of the Art Therapy Credentials Board (ATCB) Certification Examination given by ATCB;
- (b) Submit proof that the applicant is currently certified as a Registered Art Therapist (ATR) by the Art Therapy Credentials Board; and
- (c) Submit proof that the applicant has earned a master's degree in art therapy from a graduate program approved by the American Art Therapy Association at the time of the applicant's graduation.

SECTION 7.

- (a) Temporary certification may be issued to a person who applies for certification for the first time in this state and who submits proof that the person:

(1) Has earned a master's degree in art therapy from a graduate program approved by the American Association of Art Therapists at the time of the person's graduation; and

(2) Has completed at least twenty-four (24) graduate semester credit hours in the core art therapy curriculum as defined by the American Art Therapy Association.

(b) Temporary certification may be issued only for the purpose of allowing an otherwise qualified applicant to practice as an art therapist until that person has met the practice requirements for registration established by the Art Therapy Credentials Board.

(c) Temporary certification shall be issued on payment of the specified fee for a fixed period of time to be determined by the board and shall not be renewed except by the board subject to proof of good and an exceptional cause shown by the applicant.

SECTION 8.

(a) Certifications shall be renewable every three (3) years on payment of the renewal fee.

(b) Applicants for renewal of certification must submit proof that the applicant is currently registered as an Art Therapist by the Art Therapy Credential Board.

(c) A certification that has lapsed may be reinstated on payment of a renewal fee and a late renewal fee. The applicant shall not be required to pay renewal fees during periods when certification was lapsed.

SECTION 9.

(a) The board is authorized to deny, revoke, or suspend a certification granted pursuant to this chapter on the following grounds:

(1) Denial, revocation or suspension of the art therapist's license to practice professional counseling in the state of Tennessee;

(2) Fraudulent procuring or use of certification;

(3) Occupational advertising that is intended or has a tendency to deceive the public; or

(4) Conduct that evidences unfitness to practice art therapy.

(b) Certification may not be denied, suspended, or revoked for the reasons set forth in subsection (a) without prior notice and an opportunity for hearing. The burden of proof shall be on the board in any proceeding to suspend or revoke certification.

(c) A person aggrieved by a determination of the board may, within thirty (30) days of the order, appeal that order to the supreme court of the state of Tennessee on the basis of the record created before the board.

(d) Any person whose certification has been suspended or revoked may apply to the board, after no less than one (1) year, for vacation of the suspension or reinstatement of the license.

SECTION 10. Any person who is certified as an art therapist in this state shall have the right to use the title "art therapist" and the abbreviation "A.T." or "A.T.R." No other person may assume that title or use that abbreviation, or any other words, letters, signs, or devices to indicate that the person using them is an art therapist.

SECTION 11. Applicants and persons regulated under this chapter shall pay the following fees:

(1) Original application for certification and registration, one hundred dollars (\$100); and

(2) Triennial renewal of certification and registration, one hundred dollars (\$100).

SECTION 12. A clinic, hospital or other facility that utilizes the services of an art therapist shall post a notice to that effect in a prominent place.

SECTION 13.

(a) Any person who, not being certified or registered, holds themselves out to the public as being so certified or registered under this chapter shall be liable for a civil penalty of not more than one thousand dollars (\$1,000).

(b) In addition to the penalty provided in subsection (a), the attorney general or a state's attorney may bring a civil action to restrain continuing violations of this section.

SECTION 14. This act shall take effect July 1, 2008, the public welfare requiring it.